HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 21469 of 2007

Between:

N. Veerakumari

… Petitioner

And

The Government of Andhra Pradesh,
Industries and Commerce Department,
Hyderabad rep. by its Secretary & others

… Respondents

:: O R D E R ::

Counsel for the petitioner : None

Counsel for respondent No.3 : Assistant Government Pleader for Mines and Geology

October 10, 2007

Per G.S. SINGHVI, CJ

In this petition filed in the name of public interest litigation, Smt. N. Veerakumari, Sarpanch, Grampanchayat Godavarru, Duggirala Mandal, Guntur District has prayed for quashing notification dated 19.09.2007 issued by Assistant Director of Mines and Geology, Guntur for auction of various sand reaches including sand reach, Godavarru, Down Stream of Krishna Barriage from 12.00 KM to 17.80 KM on the right flood bank of Krishna river sand area, in North-East of Godavarru village subject to the rider that the quarrying will be done only for local

requirement.

Yesterday, we had, after hearing the learned counsel for the petitioner passed the following order:

" Shri C.V.R. Rudra Prasad for the petitioner.

In this petition filed as a piece of public interest litigation, the petitioner – N. Veerakumari, Sarpanch, Gram Panchayat Godavarru, Duggirala Mandal, Guntur District prayed for quashing auction notice dated 19.09.2007 issued by Assistant Director of Mines and Geology, Guntur for auction of sand reaches enumerated in the schedule printed in the auction notice.

The only ground on which the petitioner has questioned the proposed auction is that before advertising the sand reaches, the concerned authority did not seek report from the Ground Water Department as per the requirement of Rule 9-B (iv) of the Andhra Pradesh Minor Mineral Confession Rules, 1966 (for short, 'the Rules') as amended by notification dated 12.4.2007.

Although we have serious reservation about the time chosen by the petitioner to seek intervention of the Court i.e. just two days before the date of actual auction, keeping in view the larger public interest, we deem it proper to call upon Assistant Director of Mines and Geology to inform the Court whether or not the required report was obtained from the Ground Water Department.

Notice to respondent Nos. 1,3 and 5.

Learned Government Pleader for Mines and Geology accepts notice on behalf of respondent Nos. 1, 3 and 5.

Learned Government Pleader gave out that the concerned Assistant Director, had informed him that report was obtained from Ground Water Department which suggested that sand can be removed for local use and only after receipt of the report, the impugned notification has been issued.

On our asking, learned Government Pleader agreed to make an attempt to get the report of the Ground Water Department on Fax.

In view of the above, the matter will be taken up at 3.00 PM."

Today, the learned Assistant Government Pleader placed

before the Court Fax copy of letter No.772/Hq/2004/513 dated 18.08.2006 sent by Deputy Director, Ground Water Department to District Panchayat Officer, Guntur. That letter reads as under:

GOVERNMENT OF ANDHRA PRADESH

GROUND WATER DEPARTMENT

FROM

Sri B. Nagarajeswara Rao
M.Sc.,M.Sc(Tech)
Deputy Director
Ground Water Department,
¼, Ramannapet,
Guntur.

TO

The District Panchayat Officer
GUNTUR.

Lr.No.772/Hq/2004/513 Dated: 18.08.2006

Sir,

Sub: Ground Water Department, Guntur – Sand Mining Investigations at Reach No.4 of Godavarru –Communication Of recommendations –Regarding.

Ref: 1. Your letter Rc.No.7524/02/G2, dt.20.3.06, 15.5.06, 6.6.06, 15.7.06 and 21.7.06 and 27.7.96.
2. Director, Ground Water Department, Hyderabad memo No.15573/Hg.5/2004, dt. 14.8.2006.

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With reference to the above subject, and as per the request of District Panchayat Officer, Guntur and public representations received through reference 1st cited this office has conducted ground water investigations and submitted a report to the Director for approval. Through reference 2nd cited, the Director, Ground Water Department, Hyderabad has given approval for sand mining operations in the above said reaches, exclusively for local use in Godavarru Sand Reach Reach (No.4) for non mechanical lifting as per Section No.23.1(a) of APWALTA.

Yours faithfully,
Sd/- xxxxx
DEPUTY DIRECTOR

After going through the contents of the above re-produced letter, we wanted to enquire from the learned counsel as to what objection his client can have against the grant of lease for quarrying of sand for local use, but we have been effectively prevented from doing so because the learned counsel has thought it proper not to appear.

The non-appearance of the learned counsel is indicative of the fact that the petitioner is no longer interested in pursuing the cause set out in the writ petition which, as mentioned above, has been filed as a piece of public interest litigation.

With the above observation, the writ petition is dismissed in default.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

October 10, 2007
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